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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,080	11/27/2001	Frederick Kiremidjian	SS-709-10	9253

7590 04/06/2005

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT PAPER NUMBER

2665

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/004,080

Applicant(s)

KIREMIDJIAN ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Specification***

1. The disclosure is objected to because of the following informalities:

Page 7, line 29, the docket number such as (Docket SS-709-07)  
should be deleted.

Page 7, line 20, the serial number such as (09/xxx,xxx) should be replaced  
with an actual U.S. Patent application serial number.

Page 7, line 30, the docket number such as (Docket SS-709-08)  
should be deleted.

Page 8, line 1, the serial number such as (09/xxx,xxx) should be replaced  
with an actual U.S. Patent application serial number.

Appropriate correction is required.

***Claim Objections***

2. Claims 1-7 are objected to because of the following informalities:

Claim 1, line 14, "said network" should be changed to ---said hierarchical  
network---

Claim 2, line 5, "said network" should be changed to ---said hierarchical  
network---

Claim 3, line 8, "said network" should be changed to ---said hierarchical  
network---

Claim 4, line 22, "said network" should be changed to ---said hierarchical  
network---

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Claim 5, line 4, "said network" should be changed to ---said hierarchical  
network---

Claim 6, line 8, "said network" should be changed to ---said hierarchical  
network---

Claim 7, line 14, ---packet--- should be inserted after the word "each".

Appropriate correction is required.

***Allowable Subject Matter***

3. Claims 1-7 are objected to but would be allowable if the objections set forth above are overcome.

4. Claims 8-9 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1-3 are allowable because the prior art fails to teach or suggest a method for managing the distribution of datapackets, the method comprising the steps of "managing all datapackets moving through said hierarchical network from a variable-dept queue in which each queue entry includes service-level policy bandwidth allowance for a node in said hierarchical network through which a corresponding datapacket must past; and repeatedly scanning said variable-depth queue to determined whether a datapacket should be forwarded through said node by checking

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for enough bandwidth-allocation credits," in combination with other limitations, as specified in the independent claim 1.

Claims 4-6 are allowable because the prior art fails to teach or suggest a means for managing the distribution of datapackets, comprising "means for managing all datapackets moving through said hierarchical network from a variable-dept queue in which each queue entry includes service-level policy bandwidth allowance for a node in said hierarchical network through which a corresponding datapacket must past; and repeatedly scanning said variable-depth queue to determine whether a datapacket should be forwarded through said node by checking for enough bandwidth-allocation credits," in combination with other limitations, as specified in the independent claim 4.

Claims 7-9 are allowable because the prior art fails to teach or suggest a network management system comprising "a variable-depth queue comprising individual entries related to said datapackets circulating through said network, and further related to a network node through which each packet must pass; a traffic-shaping cell providing for an inspection of each one of said individual entries and for outputting a single decision whether to pass through or buffer each of said datapackets in all network nodes through which each must pass; and wherein, the traffic-shaping cell repeatedly scans said variable-depth queue to determine whether a datapacket should be forwarded through said node by checking for enough bandwidth-allocation credits, and it replenishes an account of said bandwidth-allocation credits taking into account a variable delay caused by scanning said variable-depth queue," in combination with other limitations, as specified in the independent claim 7.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665